

CARLEEN R. ARLIDGE SBN 079725  
 Attorney At Law  
 111 West St. John Street, Suite 555  
 San Jose, California 95113  
 Telephone: (408) 288-8533  
 Facsimile: (408) 445-1861  
 E-Mail: [craatty@aol.com](mailto:craatty@aol.com)

ALBIE B. JACHIMOWICZ SBN 104549  
 JACHIMOWICZ LAW GROUP  
 1530 The Alameda, Suite 115  
 San Jose, CA 95126  
 Telephone: (408) 246-5500  
 Facsimile: (408) 246-1051  
 Email: [albie@jachlawgroup.com](mailto:albie@jachlawgroup.com)

Attorneys For Defendant

IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	
	)	NO. 3:18CR00409 CRB
Plaintiff,	)	
	)	DEFENDANT CHEUNG'S
vs.	)	SENTENCING MEMORANDUM
	)	
MARK HANLIN CHEUNG,	)	
	)	
Defendant.	)	

Defendant Mark Cheung, by and through counsel, hereby submits the following for consideration by the Court at the time of sentencing:

**I. OFFENSE LEVEL CALCULATION**

The defense has no objection to the offense level calculation contained in the presentence report. Specifically:

Base Offense Level:	USSG §2K2.1, USSG §2K2.1(a)(6)(A)	14
Specific Offense Characteristics:	USSG §2K2.1(b)(6)(B).	+4
Adjusted Offense Level (Subtotal):		18
Acceptance of Responsibility:	USSG §3E1.1(a), USSG §3E1.1(b).	-3
<b>Total Offense Level:</b>		<b>15</b>

1 **II. VARIANCE**

2 Since his arrest, Mr. Cheung has made remarkable progress in turning his life around.  
3 While some of that effort and progress has been described in the presentence report, it is requested  
4 that the Court also consider the attachments to this Memorandum; the letter from Mr. Cheung, the  
5 letter from Mr. Cheung's mother, the verification of Mr. Cheung's participation in a drug abuse  
6 program through Pretrial Services, and Mr. Cheung's Community College grade report.

7 In light of Mr. Cheung's post-arrest efforts to address his drug abuse and to move forward  
8 with his education and employment, clearly the rehabilitation process has already begun and Mr.  
9 Cheung is eager to continue to strive toward his goal of living clean and sober, and having a  
10 successful and fulfilling lifestyle.

11 While it is understood that some form of restriction on his freedom is appropriate given  
12 the circumstances of this case, it is hoped that the Court would impose a sentence less than the 24  
13 month sentence of imprisonment recommended by the probation officer; a sentence that would  
14 permit Mr. Cheung to continue with his education, therapy and employment success.

15  
16 Dated: July 10, 2019

Respectfully submitted,

17  
18 /s/

19 CARLEEN R. ARLIDGE  
20 Attorney For Defendant  
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Dear honorable judge \_\_ ,

Throughout the course of these last 2-3 years of my life, my life indefinitely took a turn for the worst. I surrounded myself with very negative influences as I walked down the wrong path for quite awhile. I admit to having made a few mistakes which is what caused me to be in this tough predicament today. I come from a family of four and nobody on either my mother's or father's side has any sort of criminal/drug abuse background. My parents are very hardworking & religious as my sister is a college student at UCLA. I am writing this letter to you to ask for your forgiveness as I am not such a horrible person as I seem to be, I was simply being influenced by the wrong group of people. Ever since I have been released, I have taken drastic steps in the process of me becoming a better individual. I have been working as a shipping consultant at FedEx and a full time student at school at Skyline College as I have already completed one whole semester and I am also currently finishing up my summer semester as I have registered for the upcoming semester's classes already as well. I was recently hired as an assistant manager at Big 5 Sporting Goods and I feel this is a very big step for me as this is my first manager position. I have been attending meetings with a therapist once every week as well as attending weekly AA meetings to continue my sobriety. I have kicked my drug/alcohol problem to the curb as I am both very focused on school and work in order to better myself as a person. I have also been spending much more time with family as I have also begun to do volunteer work at a church me and my mom have attended together. Both my girlfriend's and my family have been very supportive throughout this whole situation.

These past couple years have been tough for me because before all this transpired, I was enrolled as a freshman at SFSU fresh out of high school. During my high school years, I was a student athlete as I played on both the varsity basketball and baseball teams during the 4 years I attended high school. Once I graduated high school there was too much partying going on as I replaced my daily habits of playing basketball/baseball with going out and drinking every night. This caused me to lose my job which I was currently holding at Macy's and I eventually dropped out of SFSU before I could even complete my first semester. Since then, I have recently met with a college transfer counselor and they informed me that I only need one more semester of classes in order to transfer back to SFSU as an incoming Junior. I will have attained my associate's degree from Skyline. This would be a huge step for me as I would really like to further my education as I have worked very hard to work my way back to SFSU. I believe that I have truly learned from this mistake and I know that I have turned my life around and I will never walk down the wrong path again.

Dear Honorable Judge,

I am writing this letter in regards to my son Mark Cheung. Ever since Mark was released on bail, Mark has spent most of his time with either me and the family or with his girlfriend. He is currently renting a studio and he comes home from time to time to print out homework and collect mail. He also helps with any extra work at the house whenever he comes back home. I hope that he can find a good job to learn from as well as go to school so he may further his education as I understand that he would like to finish his college degree. He has been working at FedEx and told me that he was recently accepted for an assistant manager position at Big 5 sporting goods because the hours worked out for him as he told me that he would like to complete his college classes while working as well.

Ever since being released, I feel as if he has changed as a person. Finally, as Mark's parents, I would like to learn and get the proper knowledge so we can properly guide Mark's life in the right direction as he grows up. He is still young and I know that he has grown from this.

Mark's Mom

Leann Yu

## UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA  
PRETRIAL SERVICES AGENCYDIVISIONAL OFFICES:450 Golden Gate Avenue, Suite 18-5497  
San Francisco, CA 94102  
Tel: (415) 436-7500280 S. First Street, Suite 1150  
San Jose, CA 95113  
Tel: (408) 535-5222DIVISIONAL OFFICE:1301 Clay Street, Suite  
Oakland, CA  
Tel: (510) 632-1100777 Sonoma Avenue, Suite 100  
Santa Rosa, CA  
Tel: (707) 571-1100

Silvio Lugo, Chief Pretrial Services Officer

December 11, 2018

Mark Cheung has been required by the U.S. District Court for the Northern District of California to attend out-patient counseling meetings for chemical and alcohol dependency, as well as, one-on-one meetings as necessary. If Mark Cheung has attended your meeting, please confirm this by completing the form below. If you have any questions, please feel free to contact me at 415-436-7508. Thank you, Katrina Chu (U.S. Pretrial Services Officer)

<u>DATE</u>	<u>LOCATION</u>	<u>REPRESENTATIVE</u> <u>INITIALS</u>	<u>PHONE NO.</u>
12/15/18	Gratitude Center	DLW	415-515-9110
12/27/18	Gratitude Center	[Signature]	415-537-2244
1/8/19	Sunset Pers	SSS	415-378-6301
1/18/19	828	V/L	(415) 850-0599
1/25/19	Heritage Inn	Bolton	N/A
2/1/2019	7th Ave, Presbyterian	[Signature]	N/A
2/8/2019	Gratitude Center	FT	650-716-3358
2-15-2019	7th Ave Gratitude	FT	650-716-3358
2/20/19	Gratitude Center	[Signature]	415-412-1592
3/8/19	Gratitude Center	FT	650-716-3358
3/14/19	Thurs. Thompson Clean	[Signature]	(415) 525-9170
3/20/19	5th Ave Beginners	BC	415-377-8653
3/29/19	Warm-Up 7th IRVING GRATITUDE CENTER	FT	650-716-3358
4/11/19	Seventh Ave Presbyterian church	S.T.	650-515-6825

NDC-PRET 02/03/14



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280 S. First Street, Suite 1150  
San Jose, CA 95113  
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Silvio Lugo, Chief Pretrial Services Officer

**DIVISIONAL OFFICES:**

1301 Clay Street, Suite 100 C  
Oakland, CA 94612  
Tel: (510) 637-3751

777 Sonoma Avenue, Suite 323  
Santa Rosa, CA 95404  
Tel: (707) 575-3423

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<u>DATE</u>	<u>LOCATION</u>	<u>REPRESENTATIVE INITIALS</u>	<u>PHONE NO.</u>
4/24/19	St Anne's BB Study	[Signature]	
4/26/19	7th Ave Presby	Siz	
4/27	Gratitude Cntr	[Signature]	
5/15	Grat. Center	[Signature]	
5/15	Grat. Center	KLD.	(415) 731 2274
4/20	7th + Irving	[Signature]	
5/29	7th + Irving AA	[Signature]	
6/10	G.C.	[Signature]	
6/15/19	Gratitude Cntr	[Signature]	
6/24/19	GC	[Signature]	
7/2/19	GC	[Signature]	

NDC-PRET 02/03/14

# Final Grades

Grades with a '#' indicate non-degree applicable courses.

## Student Information

### Current Program

Associate in Science-Transfer

**Level:** Undergraduate

**Program:** Business: Transfer CSUGE

**Admit Term:** Spring 2019

**Admit Type:** Web Application

**Catalog Term:** Spring 2019

**College:** Skyline College

**Campus:** Skyline College

**Major:** Business Administration AS-T

**Academic Standing:** Good Standing

## Undergraduate Course work

CRN	Subject	Course	Section	Course Title	Campus	Final Grade	Attempted	Earned	GPA Hours	Quality Points
43223	ACTG	131	OLH	Managerial Accounting	Skyline College C		4.000	4.000	4.000	8.00
30150	BIOL	150	OLH	Intro To Marine Biology	Skyline College B		3.000	3.000	3.000	9.00
30167	BUS.	120	AA	Math Analysis For Bus.	Skyline College D		3.000	3.000	3.000	3.00
30287	ECON	102	JA	Principles of Micro Economics	Skyline College C		3.000	3.000	3.000	6.00

## Undergraduate Summary

	Attempted	Earned	GPA Hours	Quality Points	GPA
<b>Current Term:</b>	13.000	13.000	13.000	26.00	2.00
<b>Cumulative:</b>	26.000	26.000	26.000	55.00	2.11
<b>Transfer:</b>	0.000	0.000	0.000	0.00	0.00
<b>Overall:</b>	26.000	26.000	26.000	55.00	2.11